

Ethics News

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“I shall tell you a great secret, my friend: Do not wait for the last judgment; it takes place every day.”

— Albert Camus (1913-1960)

How Ethical is Your Agency?

Ethical behavior on the part of state officers and employees helps ensure that state business is conducted in the public interest. The Commission achieves its mission of promoting the ethical conduct of state officers and employees through training, advising, and enforcing ethics laws. State employees in the executive branch of state government are under the jurisdiction of the Indiana State Ethics Commission.

The Ethics Commission would like to know how you view your agency’s effectiveness in creating an ethical work environment for all employees. By participating in this online survey, you can express your opinion on various ethical issues.

The survey is entirely confidential and results without agency or employees’ names will be published in the next *Ethics News*.

[Click here to take the survey.](#)



Ethics Classes Open

Ethics Orientation
December 7
(10:00 - 11:00 a.m.)

Supervisors and Managers
December 8
(10:00 - 12:00 p.m.)

Classes are in the State Conference
Center or Training Center
Indiana Government Center South

Please check directory on day of class

To register, call (317) 232-3850 or visit our
Web site at www.ethics.IN.gov

Staff Advice

This article briefly reviews questions recently addressed by the Ethics Commission staff. The advice is not intended as a comprehensive analysis of the issue raised. For more information on whether and how this information may apply in another situation, contact your [agency Ethics Officer](#) or the State Ethics Commission.

NOTE: *Please be advised that the opinions in these answers merely interpret and apply the State Ethics Commission's laws, regulations, and policies. The fact scenarios presented in these questions could possibly violate other agency laws, regulations, rules, or policies.*

Q. Are contractors required to know the ethics rules? And are there sanctions for them if they violate the rules?

A. Contractors need to know the ethics rules ([Contractors' Guide to the Ethics Rules](#)), which they can find on the Commission's Web site at www.in.gov/ethics. If a contractor or its agents violate any applicable ethical standards, the State may, in its sole discretion, terminate this contract immediately upon notice to the contractor. In addition, the contractor may be subject to penalties under Indiana Code § 4-2-6-12.

An individual who contracts with an agency for more than 30 hours per week, for more than 26 weeks per year is considered a state employee under the ethics code, and needs to have ethics training (either online or via a class).

Q. Does the Ethics Commission deal with ghost employment issues?

A. In the past, we've dealt with state employees who aren't honest on their A4's (time sheets) because they are misusing state time (*see*, [40 IAC 2-1-9\(f\)](#)), which prohibits the use of state time for anything other than official state business). However, if the situation is egregious, it rises to the level of criminal ghost employment, in which case we refer the matter to the Indiana State Police.

Q. A state agency is hosting a seminar for vendors of certain products used by the agency and state government purchasing agents. The seminar is held in southern Indiana and vendors have to pay to attend the seminar. State government purchasing agents do not have to pay to attend the seminar, nor do they have to pay for meals served at the seminar. Accordingly, the vendors are indirectly paying for the purchasing agents' meals. The agency wanted to know if this was okay under the Governor's Executive Orders regarding ethics for the purchasing agents to eat the meals indirectly purchased by the vendors.

A. It would be OK under the following exception to the gift rule:

Food or drink consumed at a public meeting to which twenty-five (25) or more individuals are invited. A meeting will be considered public if: (C) the meeting has a formal program that the employee is attending to assist him or her in performing official duties.

Since the seminar is a formal program that teaches employees about certain products they can purchase for their agencies, it is okay for the purchasing agents to consume food and drinks at the seminar.

The coordinator for the event would like to know if it would be okay for her to eat meals at the seminar. Again, this would be okay under another exception to the gift rule: Because the coordinator is in charge of the seminar, she will be giving a speech and participating in a presentation. Accordingly, she can eat the meals at the seminar.

The coordinator next asked whether she could accept a free hotel room from the hotel she negotiated with to put on the conference. We explained that because she has a business relationship with the hotel, accepting the free room would violate the Ethics Commission's travel rule set forth in 40 IAC 2-1-7. However, the coordinator could ask for a waiver from the rule from her ethics officer. Since the state would otherwise have to pay for her room, it would be in the public's best interest to have the hotel pick up the tab. However, the coordinator shouldn't accept a free room when she goes down to negotiate with the hotel.

The coordinator also wanted to know whether she could solicit door prizes to raffle off at the seminar. This is okay as long as she doesn't solicit prizes from vendors who do business with the state.

Finally, the coordinator wanted to know if vendors could hand out product samples (e.g., a liquid cleaning product) to purchasing agents. Since there really isn't any way to prevent the purchasing agents from personally using the samples instead of giving them to their state agencies to use, vendors should not be allowed to pass out samples.

Q. Does a business attempting to become certified by the Department of Administration (DOA) as a woman owned business enterprise (WBE) or a minority owned business enterprise (MBE) have a business relationship with DOA? Yes. The business *would have* a business relationship with DOA because seeking MBE or WBE status is akin to "seeking a license or permit requiring the exercise of judgment." See, [40 IAC 2-1-4\(d\)](#), which sets forth the definition of "business relationship." The business relationship would only be with DOA.

Q. I put my business card in a fishbowl at a local restaurant. My name was drawn for a free lunch for me and two coworkers. Can I accept?

A. As long as the restaurant does not have a business relationship with your agency and you go to lunch on your own time, you may accept. Bon appetit!

If you have an ethics question, call (317) 232-3850 or toll free (888) 728-0006.
Or email: ethics@ethics.state.in.us.